



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zachary Gillman et al.  
Serial No.: 09/909,682  
Filing Date: 07/20/01  
Title: PROCESS FOR PREPARING COMPACTED PIGMENT  
GRANULES, PROCESS FOR PREPARING  
ENCAPSULATED PIGMENT GRANULES, AND  
PROCESS FOR DYEING LANDSCAPING AND/OR  
CONSTRUCTION MATERIALS  
Group Art Unit: 1762  
Examiner: Elena Tsoy  
Attorney's Docket No.: GIL-3

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
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(DATE OF DEPOSIT)

James A. Sheridan

*James A. Sheridan* (NAME OF ATTORNEY)  
(SIGNATURE)

August 30, 2004

(DATE OF SIGNATURE)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

These comments are submitted in response to the Examiner's statement of reasons for allowance which was mailed with the NOTICE OF ALLOWANCE AND ISSUE FEE DUE on May 28, 2004.

Applicants noted several clerical errors in the Examiner's statement:

- (1) At Page 3, line 10, "Junk" should read -- Jungk --.
- (2) At Page 3, line 13, "so that to" should read

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as simply -- to -- to make the statement grammatically correct.

(3) At Page 3, lines 5, 12 and 13, the words "a solution of a binder" should read -- an encapsulation solution -- so as to be consistent with the language of the allowed claims; and at Page 3, line 17, the words "a binder by" should read -- an encapsulation solution for -- so as to be consistent with the language of the allowed claims.

A copy of Page 3 of the NOTICE OF ALLOWANCE AND ISSUE FEE DUE as issued is enclosed for the convenience of the Patent and Trademark Office. This copy has been marked by hand in red pen to reflect the foregoing changes.

In the event that any fees may be required in this matter,  
please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

*James A. Sheridan 8/30/04*

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***Allowable Subject Matter***

4. **Claim 2** is allowed. The following is an examiner's statement of reasons for allowance:

Claim 2 is allowed because the prior art of the record does not teach or suggest a step of granulating pigment powder such as iron oxide powder in a mixer into compacted pigment granules of 0.30-1.20 mm diameter before mixing the powder with ~~a solution of a binder~~. Closest prior art of Jungk teaches that a pigment powder such as iron oxide powder can be combined with a binder for better dispersability in a concrete (See column 3, lines 28-30) and can be granulated for better handling properties with no dust raise (See column 3, lines 13-18) by mixing the powder with a solution of a binder in a mixer thereby producing granulated pigment powder of 1.00 mm diameter combined with the binder. However, ~~Jungk~~ does not suggest that the dispersable pigment granules can be made by first pre-granulating the powder in the same mixer without the aid of ~~a solution of a binder~~ and then mixing the powder granules with ~~a solution of a binder~~ so that to obtain encapsulated pigment granules.

Closest prior art of Leon et al teach that dusty pigment powder can be granulated with or without the aid of a solution of a binder in a mixer for better handling properties (See column 2, lines 10-16). However, Leon et al cannot remedy Jungk because neither of references suggests that pigment powder can be first pre-granulated and then combined with ~~a binder~~ by encapsulating a pre-granulated powder.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."